

REMARKS/ARGUMENTS

Applicant acknowledges the Official Action dated April 5, 2004 and respectfully requests reconsideration and allowance of the application as amended.

Applicant disagrees with the rejection of Claim 1 based on 35 U.S.C. 112 as failing to comply with the written description requirement as to non-vaporization of the heating liquid. The specification clearly describes the heating liquid at page 4, line 18 as heatable to a temperature of 600°F and the high temperature of the heating element at page 5, line 8 as settable, for example, at 350°F. Nevertheless, as the recitation of the heat transfer liquid not being vaporized is not a necessary limitation for patentability of the claims, that language has been deleted from Claim 1 and from Claims 5 and 8 as rewritten in independent form.

Applicant appreciates the Examiner's indication of allowable subject matter in Claims 5, 8 and 9, subject to their being written in independent form to include the limitations of the claims on which they depend. Except as noted above, Claims 5 and 8 have been amended accordingly, and Claim 9 continues to be dependent on allowable Claim 8. Claim 10 as earlier written in independent form was determined earlier to claim patentable subject matter.

In addition to the allowance of foregoing claims, Applicant requests reconsideration of the application as to Claim 1 as currently amended, Claims 2-4, 6, 7 and new Claims 16-17 as dependent on amended Claim 1, and new Claims 11-15 as dependent on allowable Claim 8. Applicant submits that no new issues are presented by the claims as amended, only that the foregoing claims more particularly point out the invention as contemplated by the application as filed. For example, new Claims 11-17 all claim subject matter similar to earlier presented Claims 2-4, 6, 7, 5 and 8, respectively. Moreover, the amendment to Claim 1 as more particularly reciting the substantial vaporization of wastewater to leave a dry residue of contaminants is both clearly disclosed in the application as originally filed (see, for example, lines 14-20 of page 6 and lines 8-12 of page 8) and clearly implied in original Claim 6.

Notwithstanding the references on which the Examiner has relied, namely U.S. Patents No. 5,582,680 to VanKouwenberg ("VanKouwenberg '680"); No. 5,348,623 to Salmon ("Salmon") and Cress, Applicant asserts that the subject matter of Claim 1, especially as now amended, would not have been obvious to one skilled in the art even with knowledge of the cited

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references. Applicant continues to suggest that, without knowledge of the present invention, Salmon would not have been combined with VanKouwenberg '680 to teach any of the present invention as now claimed. Particularly with reference to Claim 1 as amended, none of the references of record disclose or even suggest the possibility of a wastewater treatment apparatus in which the wastewater can be substantially entirely vaporized to leave a dry residue, benefits of which are highly significant in terms of disposal of contaminants. Applicant's combination in Claim 1 of an interior heating chamber co-extensive with and surrounding the bottom and side walls of the wastewater fluid vessel and containing a heat transfer liquid that fills the bottom space and substantial portions of the side spaces of the heating chamber, and the heating means immersed in the liquid to heat the liquid sufficient to evaporate the wastewater to leave a dry contaminant residue makes this quite possible and is not suggested by the prior art.

In view of the foregoing amendment and remarks, it is believed that the application is now in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

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